

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA §
 §
VS. § NO. 4:02-CR-203-A
 §
THOMAS RAY MARTINSEN, JR., §
ET AL. §

O R D E R

1. This case is set for jury trial at 9:00 a.m. on January 21, 2003, as to defendants **ROBERT WILLIAM AVERITT, JR.**, and **WILLIAM RAY HAVNER, III**, at which time and date defendants, counsel, and all witnesses will be present in the Fourth Floor Courtroom, United States Courthouse, Fort Worth, Texas.

2. Except as provided in paragraph 3, any pretrial motion of a defendant must be filed no later than December 23, 2002.

3. No defendant shall file any motion for, or to compel, discovery, disclosure, or production unless (i) such defendant has first made written request of the government for the desired discovery, disclosure, or production, which written request shall specify a time and date when discovery, disclosure, or production, as applicable, of the items is desired in the Fort Worth office of the U.S. Attorney, and (ii) the government has failed to comply with the request. Lack of actual possession of an item by the government shall not be a reason for non-production if the government can obtain possession of the original or a copy of the item upon request. If the government

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does not comply with such request, such defendant is permitted to file a motion to compel, or for discovery or disclosure, but such a motion must be filed no later than December 27, 2002. Any such motion shall be accompanied by copies of any pertinent requests that were previously made by the movant and verification as to service of each such request and a statement of the results of the efforts to obtain the desired discovery, disclosure, or production pursuant to each such request.

4. The government's response to any pretrial motion filed by a defendant shall be filed within seven (7) days after receipt of such motion. If the government is prompted to file a pretrial motion by reason of a pretrial motion filed by a defendant, the government shall file its motion within seven (7) days after receipt of such defense motion.

5. A defendant shall file a response to any pretrial motion filed by the government affecting such defendant within seven (7) days after receipt of such motion.

6. Notwithstanding the provisions of other parts of this order, each party shall file a response in writing to any motion for continuance the day following receipt of such motion.

7. No defendant is permitted to adopt any motion or pleading filed by another party; and, the court will not entertain a motion to adopt.

8. Each party shall comply with the requirements of Rules 16.1 and 30.1 of the Local Criminal Rules of the United States District Court for the Northern District of Texas, except that the witness list for each party shall identify all witnesses, including impeachment witnesses, who may testify at trial. No party is permitted to adopt as, or in, the party's witness list or exhibit list all or any part of the witness list or exhibit list of another party. The witness list to be filed by the parties shall designate which, if any, of the witnesses will be giving opinion testimony; and, the list shall state as to each witness each subject upon which the witness will be asked to testify. Each exhibit shall be labeled by a gummed label containing identity of the offering party, exhibit number and cause number.

9. If there is a possibility that a party will use at trial any video or audio recording, or any transcript of such a recording, such party shall notify the court of that fact no later than December 23, 2002, by the filing of a document advising of such possible use and describing each such item the party might use at trial.

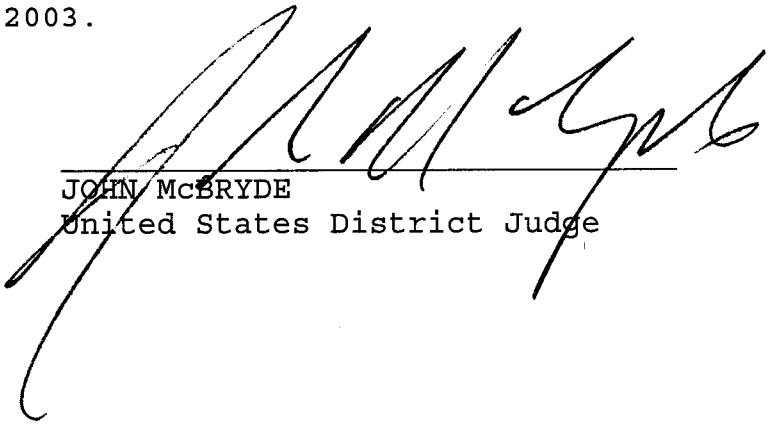
10. The court has determined that the interest of justice and orderly proceedings would best be served if a deadline were to be fixed for presentation to the court of a plea agreement by defendants in the above-captioned action. Therefore, should

defendants wish to enter a plea of guilty on the basis of a plea agreement, the proceeding with reference thereto must be scheduled to be conducted no later than the morning of January 17, 2003, and arrangements for the scheduling of the plea be finalized by 3:00 p.m. on January 16, 2003; otherwise the case will proceed to trial at 9:00 a.m. on January 21, 2003.

11. All pages of any item filed by any party with the Clerk will be numbered, bearing consecutive page numbers. Any item failing to comply with this requirement is subject to being stricken without advance notice.

THE COURT SO ORDERS.

SIGNED December 6, 2003.



JOHN MCBRYDE
United States District Judge